

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



January 16, 1997

ALL COUNTY LETTER NO. 97-04

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

SUBJECT: IN-HOME SUPPORTIVE SERVICES CONTRACT REVIEW AND APPROVAL PROCESS

The purpose of this letter is to provide counties with instructions regarding changes made to the In-Home Supportive Services (IHSS) contract review and approval process as a result of language contained in the recently passed Budget Trailer Bill, Senate Bill (SB) 1780. The impact of SB 1780 on the IHSS contract review and approval process, limits prior CDSS review and approval to those contracts involving the Task Frequency Mode and those contracts where such review is specifically required by law or federal regulation, and gives more authority and responsibility to the counties for contracting.

The County Welfare Departments now have the authority to contract for IHSS without prior California Department of Social Services (CDSS) review and approval, continue to have the primary responsibility for ensuring compliance with applicable laws and regulations, and are solely responsible for the procurement process and its associated outcomes.

Therefore, for those contracts that do not require prior CDSS review and approval, the counties are not required to submit any procurement documents, including the Invitation For Bid (IFB), Request for Proposal (RFP), or actual contract for review prior to implementation. CDSS staff will be available to provide assistance as requested by the counties throughout the procurement process. However, CDSS will not grant approval or assist in approving these IFBs or RFPs. A copy of the fully executed contract must be sent to CDSS for billing and reimbursement purposes.

The following information outlines the changes required by SB 1780.

PRIOR REVIEW AND APPROVAL WILL NO LONGER BE REQUIRED FOR THE FOLLOWING:

- Use of the Request for Proposal (RFP) method of procurement
- Procurements using the Standard IHSS IFB and Standard IHSS Contract
- Renewals and amendments to existing IHSS contracts when the commencement date of the renewal or amendment falls on or after July 1, 1996.

PRIOR REVIEW AND APPROVAL WILL CONTINUE FOR THE FOLLOWING

The Adult Services Management Branch will perform the reviews for those IHSS contracts where such review is required.

- Procurements for IHSS Contracts involving the Task Frequency Mode.
- Deviations from the Standard IHSS Contract, as required by CDSS MPP Section 23-604.2 and 23-604.21.
- Contracts for IHSS where such review is specifically required by law or federal regulation.

FUTURE IHSS CONTRACTS

If future legislation, budget control language, or state and federal regulations require prior contract review for new or existing types of IHSS contracts, counties will be notified at that time.

MONITORING AND AUDIT RESPONSIBILITIES

CDSS retains the authority and responsibility to monitor and audit county contracts. Executed contracts, and county monitoring and evaluation and audit reports will be reviewed by individual program and support bureaus on an as needed basis. However, counties retain the primary responsibility for monitoring, evaluating and auditing their own contracts.

REGULATORY RESPONSIBILITY

CDSS will continue to maintain contract regulations and enforce them through monitoring and audit. The County Welfare Departments (and other county departments receiving direct grants) will still have the primary responsibility for ensuring compliance with the regulations. The CDSS MPP Division 23-600 contract regulations will be updated to reflect the changes mandated by SB 1780 as it pertains to CDSSs prior review and approval of most IHSS contracts. Until new regulations take effect, CDSS MPP Sections 23-600 et. seq. continue to apply for IHSS contracts that still require CDSSs prior review and approval.

BILLING AND REIMBURSEMENT

A copy of the fully executed contract must be sent to CDSS for billing and reimbursement purposes. Counties will continue to use the Claim for Reimbursement In-Home Supportive Services Program Contract Expenditures (SOC 432) to claim reimbursement of IHSS Residual and Personal Care Services Program (PCSP) contract mode expenditures.

CONSULTATION

Adult Services Management Branch analysts will be available for consultation and interpretation of state and federal procurement regulations and to review required IHSS contracts. However, contract or program staff will not review individual contracts or procurement documents.

IHSS program staff remain available to advise you on the programmatic aspects of contracting and the procedures for claiming contract costs.

EFFECTIVE DATES OF NEW POLICIES

Counties must continue to submit procurement documents, including the IFB or the RFP and all supportive documents, and contracts for IHSS involving the Task Frequency Mode or where required by federal law or policy, for contracts with starting dates on or after July 1, 1996.

Please contact Mr. Sal Barajas or your assigned Adult Services Management Branch analyst, at (916) 229-4584, if you have any questions concerning this ACL. May you continue your efforts for responsible and effective contracting for IHSS.

Sincerely,



KAROL Z. WIDEMON
Deputy Director
Adult Services Division

c: County Welfare Directors Association
Division of Audits, Office of State Controller